

REMARKS

Claims 1-16 were pending in the application. Claims 1, 6, 8, 14, 16 have been amended. No claims have been canceled. Claims 17-19 have been added, which read on the elected invention. Support for new claims 17-19 may be found, among other places, in original claims 1-16. No new matter has been added. Therefore, claims 1-19 are now pending in the application. Reconsideration of the application is requested for at least the reasons that follow.

Applicants appreciate the Examiner's acknowledgement of the Information Disclosure Statements filed August 18, 2003 and January 14, 2004, and of the claim for foreign priority.

Election/Restriction

Applicants have amended claim 16, which is now drawn toward a vehicle steering system. Claim 16 reads on the elected invention and should not be withdrawn from consideration.

Prior Art Rejections

The Office Action rejects the claims for containing the term "to." Specifically, the Office Action states that "a 'recitation with respect to the manner in which a claimed invention is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus' if the prior art apparatus teaches all the structural limitations of the claim." Office Action at pp. 2-3 (citing Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987)). However, it is improper to ignore a functional limitation. "A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used." MPEP 2173.05(g). Thus, Applicants have not amended the claims in this respect.

Claims 1-5, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,548,969 ("Ewbank"). Applicants respectfully request reconsideration and withdrawal for at least the reasons that follow.

The rejection of claim 1 should be withdrawn because Ewbank fails to teach or suggest the subject matter of claim 1. For example, Ewbank does not teach or suggest a controlling section to control the actuating section to achieve a target torque with the drive units, the controlling section including a plurality of control units one of which serves as a representative unit calculating a common torque share from the target torque, and all of which control the drive units, respectively, in accordance with the common torque share calculated by the representative unit, as called for in claim 1. On the contrary, Ewbank teaches a redundant steer-by-wire system with a first, second and third network; the second network is *independent* of the first network. The third network transmits information *independent of* and only when the first or second network is inoperative. *See* Ewbank at Abstract; col. 2, line 4 and col. 3, lines 38-43, 51-56. The motors and motor drives are also independent. *See* Ewbank at col. 3, lines 38-56. Thus, Ewbank cannot teach or suggest a system wherein the drive units are all controlled in accordance with the common torque share calculated by the representative unit as required by claim 1. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 2-5, 12, 14 and new claims 17-18 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Independent claims 16 and 19 contain recitations similar to claim 1. For example, claim 16 comprises “means for causing the representative unit to calculate a common torque share in accordance with the target torque ... and means for producing the actual torque in response to the driver’s steering input ... by causing each unit to produce a torque in accordance with the common torque share.” In addition, claim 19 comprises:

a controlling section to control the actuating section to achieve a target torque with the drive units, the controlling section including a plurality of control units to control the drive units, respectively; the control process comprises: selecting one of the control units as a representative unit; causing the representative unit to calculate a common torque share in accordance with a target torque; and producing the actual torque by causing all the control units to control the drive units, respectively in accordance with the common torque share calculated by the representative unit.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 16 and submit that claim 19 is allowable.

Allowable Subject Matter

Applicants note with appreciation the PTO's acknowledgement that claims 6-11 contain allowable subject matter. Applicants have amended claims 6 and 8 to rewrite them in independent format. Thus, Applicants submit that claims 6 and 8, and dependent claims 7 and 9-11, are in *prima facie* condition for allowance.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 12/22/2004

By Richard L. Schwaab

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479